



10076906 A 061902

PATENT

Attorney Docket No.: 20949P-000800US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Richard Meyer et al.

Application No.: 10/076,906

Filed: February 12, 2002

For: FAILOVER PROCESSING IN A  
STORAGE SYSTEM

Examiner:

Art Unit:

**TRANSMITTAL LETTER –  
RESPONSE TO NOTICE OF MISSING  
PARTS**

Attn: Customer Service Center  
Initial Patent Examination Division  
Commissioner for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

Pursuant to the Notice to File Missing Parts of Nonprovisional Application, mailed March 14, 2002, Applicants are submitting a Substitute Specification herewith, in compliance with 37 CFR 1.52(b)), and substitute drawings in compliance with 37 CFR 1.84.

The Filing Fee for this application was timely paid and forwarded to the Patent Office (in compliance with the Notice to File Missing Parts mailed March 14, 2002) on May 14, 2002, and the signed Declaration by Applicants was submitted at that time.

A copy of the Notice to File Missing Parts regarding the Substitute Specification and Drawings is enclosed.

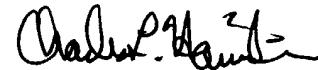
A Petition for Extension of Time for one month is being submitted with this paper.

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PATENT

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430.

Respectfully submitted,



Charles Hamilton  
Reg. No. 42,624

**Customer No. 20350**  
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400 / Fax: 415 576-0300  
CLH:dd

PA 3229217 v1

Please type a plus sign (+) inside this box



10076906 06180MP  
06/25/02 USP/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |  |                        |                   |
|--|--|------------------------|-------------------|
|  |  | Application Number     | 10/076,906        |
|  |  | Filing Date            | February 13, 2002 |
|  |  | First Named Inventor   | Meyer, Richard    |
|  |  | Group Art Unit         | 2152              |
|  |  | Examiner Name          | Unassigned        |
| Total Number of Pages in This Submission |  | Attorney Docket Number | 20949P-000800US   |

### ENCLOSURES (check all that apply)

|   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                                      | <input type="checkbox"/> Assignment Papers<br>(for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group                                     |
| <input type="checkbox"/> Fee Attached   | <input checked="" type="checkbox"/> Substitute Drawing(s) 37 sheets                        | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                 |
| <input checked="" type="checkbox"/> Amendment / Response                                      | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief)       |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition Routing Slip (PTO/SB/69)<br>and Accompanying Petition    | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)  | <input type="checkbox"/> Petition to Convert to a Provisional Application                  | <input type="checkbox"/> Status Letter  |
| <input checked="" type="checkbox"/> Extension of Time Request                                 | <input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s)<br>(please identify below)                   |
| <input type="checkbox"/> Express Abandonment Request  | <input type="checkbox"/> Terminal Disclaimer   | Substitute Specification  |
| <input type="checkbox"/> Information Disclosure Statement                                     | <input type="checkbox"/> Request for Refund  | Return Postcard   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                               | <input type="checkbox"/> CD, Number of CD(s)   |   |
| <input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application                 |  |   |
| <input checked="" type="checkbox"/> Response to Missing<br>Parts under 37 CFR<br>1.52 or 1.53 |  | Remarks<br>The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                          |  |                 |
|--------------------------|--|-----------------|
| Firm and Individual name | Townsend and Townsend and Crew LLP<br>Charles Hamilton | Reg. No. 42,624 |
| Signature                |  |                 |
| Date                     | June 14, 2002  |                 |

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

June 14, 2002

|                       |               |               |
|-----------------------|---------------|---------------|
| Typed or printed name | M. DIANE DUKE |               |
| Signature             |               |               |
|                       | Date          | June 14, 2002 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PA 3227312 v1

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 55)

## METHOD OF PAYMENT (check all that apply)

 Check  Credit Card  MoneyOrder  Other  None  
 Deposit Account:

Deposit Account Number

20-1430

Deposit Account Name

Townsend and Townsend and Crew LLP

The Commissioner is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account
 

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description | Fee Paid |
|--------------|--------------|-----------------|----------|
| Fee Code     | Fee (\$)     | Fee Code        | Fee (\$) |
| 101          | 740          | 201             | 370      |
| 106          | 330          | 206             | 165      |
| 107          | 510          | 207             | 255      |
| 108          | 740          | 208             | 370      |
| 114          | 160          | 214             | 80       |

SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       | -20** | = | Extra Claims | X | Fee from below | = | Fee Paid |
|--------------------|-------|---|--------------|---|----------------|---|----------|
| Independent Claims | -3**  | = |              | X |                | = |          |
| Multiple Dependent |       |   |              | X |                | = |          |

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|--------------|--------------|----------|----------|--|----------|
| Fee Code     | Fee (\$)     | Fee Code | Fee (\$) |  |          |
| 103          | 18           | 203      | 9        | Claims in excess of 20                                     |          |
| 102          | 84           | 202      | 42       | Independent claims in excess of 3                          |          |
| 104          | 280          | 204      | 140      | Multiple dependent claim, if not paid                      |          |
| 109          | 84           | 209      | 42       | ** Reissue independent claims over original patent         |          |
| 110          | 18           | 210      | 9        | ** Reissue claims in excess of 20 and over original patent |          |

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater. For Reissues, see above

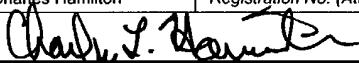
## FEE CALCULATION (continued)

| 3. ADDITIONAL FEES        | Large Entity | Small Entity | Fee Description | Fee Paid   |
|---------------------------|--------------|--------------|-----------------|--|
| Fee Code                  | Fee (\$)     | Fee Code     | Fee (\$)        |  |
| 105                       | 130          | 205          | 65              | Surcharge - late filing fee or oath  |
| 127                       | 50           | 227          | 25              | Surcharge - late provisional filing fee or cover sheet.                    |
| 139                       | 130          | 139          | 130             | Non-English specification  |
| 147                       | 2,520        | 147          | 2,520           | For filing a request for reexamination                                     |
| 112                       | 920*         | 112          | 920*            | Requesting publication of SIR prior to Examiner action                     |
| 113                       | 1,840*       | 113          | 1,840*          | Requesting publication of SIR after Examiner action                        |
| 115                       | 110          | 215          | 55              | Extension for reply within first month                                     |
| 116                       | 400          | 216          | 200             | Extension for reply within second month                                    |
| 117                       | 920          | 217          | 460             | Extension for reply within third month                                     |
| 118                       | 1,440        | 218          | 720             | Extension for reply within fourth month                                    |
| 128                       | 1,960        | 228          | 980             | Extension for reply within fifth month                                     |
| 119                       | 320          | 219          | 160             | Notice of Appeal   |
| 120                       | 320          | 220          | 160             | Filing a brief in support of an appeal                                     |
| 121                       | 280          | 221          | 140             | Request for oral hearing   |
| 138                       | 1,510        | 138          | 1,510           | Petition to institute a public use proceeding                              |
| 140                       | 110          | 240          | 55              | Petition to revive – unavoidable   |
| 141                       | 1,280        | 241          | 640             | Petition to revive – unintentional   |
| 142                       | 1,280        | 242          | 640             | Utility issue fee (or reissue)   |
| 143                       | 460          | 243          | 230             | Design issue fee   |
| 144                       | 620          | 244          | 310             | Plant issue fee  |
| 122                       | 130          | 122          | 130             | Petitions to the Commissioner  |
| 123                       | 50           | 123          | 50              | Petitions related to provisional applications                              |
| 126                       | 180          | 126          | 180             | Submission of Information Disclosure Stmt                                  |
| 581                       | 40           | 581          | 40              | Recording each patent assignment per property (times number of properties) |
| 146                       | 740          | 246          | 370             | Filing a submission after final rejection (37 CFR § 1.129(a))              |
| 149                       | 740          | 249          | 370             | For each additional invention to be examined (37 CFR § 1.129(b))           |
| 179                       | 740          | 279          | 370             | Request for Continued Examination (RCE)                                    |
| 169                       | 900          | 169          | 900             | Request for expedited examination of a design application                  |
| Other fee (specify) _____ |              |              |                 |  |

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$55)

## SUBMITTED BY

Complete (if applicable)

|                   |   |                                   |        |               |              |
|-------------------|---|-----------------------------------|--------|---------------|--------------|
| Name (Print/Type) | Charles Hamilton  | Registration No. (Attorney/Agent) | 42,624 | Telephone     | 650-326-2400 |
| Signature         |  |                                   | Date   | June 14, 2002 |              |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. PA 3227323 v1



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D C 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/076,906         | 02/13/2002          | Richard Meyer         | 20949P-000800US        |

20350  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

CONFIRMATION NO. 1882  
FORMALITIES LETTER

\*OC00000007640766\*

Date Mailed: 03/14/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$84.
  - \$84 for 2 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 519.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - Line spacing on the specification, claims, or abstract is not 1-1/2 or double spaced (See 37 CFR 1.52(b)).
- Substitute drawings in compliance with 37 CFR 1.84 because:
  - Drawings must be reasonably free from erasures and must be free from alterations, overwritings, interlineations, folds, and copy marks.

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*A copy of this notice MUST be returned with the reply.*

*C.J. Harrison*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY